Attachment to document 01
Disclosed under FOI

Annexure EDR - 21

Telephone:

FEDERAL COURT OF AUSTRALIA
PRINCIPAL REGISTRY

Your Ref:
Our Ref:

LEVEL 16
LAW COURTS BUILDING
QUEENS SQUARE
SYDNEY NSW 2000

18 September 2020

Ms Kate McMullan
Director, Integrity
Australian Public Service Commission
GPO Box 3176
CANBERRA ACT 2601

By email:

Dear Ms McMullan,

Public Interest Disclosure – Federal Court

I refer to your correspondence of 10 September 2020 to the Chief Executive Officer and Principal Registrar of the Federal Court, seeking assistance in obtaining documents relating to a number of recruitment processes in the Federal Court.

In accordance with your request and for the purpose of assisting in your "fact-finding", we have attached the requested information relevant to the recruitment process or processes which led to the engagement of the following persons as detailed below:

- Susan O'Connor – Attachment A;
- Tim Luxton, and Claire Gitsham – Attachment B;
- Russell Trott and Matthew Benter – Attachment C;
- Murray Belcher – Attachment D;
- Phillip Allaway – Attachment E;
- Rupert Burns – Attachment F;
- Tuan Van Le – Attachment G;
- Rohan Muscat – Attachment H; and
- Caitlin Wu – Attachment I.

Please let me know if we can be of further assistance.

I can be contacted by telephone on and by email at .

Yours sincerely

Scott Tredwell
Acting Deputy Principal Registrar

Annexure EDR - 12

From: Sia Lagos
Sent:
To:
Subject:

UNCLASSIFIED

Dear All

Sia

From: McMullan, Kate
Sent: Thursday, 10 September 2020 6:01 PM
To: Sia Lagos
Cc: PID <PID@apsc.gov.au>
Subject: PRIVATE AND CONFIDENTIAL [SEC=OFFICIAL:Sensitive]

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

OFFICIAL:Sensitive

PRIVATE AND CONFIDENTIAL

Dear Ms Lagos,

I am writing with regards to a public interest disclosure (PID) made under the *Public Interest Disclosure Act 2013* (PID Act). The PID is about recruitment practices at the Federal Court of Australia.

The PID was assessed and allocated to the Australian Public Service Commission by the Commonwealth Ombudsman in accordance with section 43 of the PID Act. I hold a delegation under section 77 of the PID Act to conduct the PID investigation. In accordance with section 53(2) of the PID Act, I am authorised to obtain information and make inquiries as I see fit. Subsection 61(1) of the PID Act requires public officials to use their best endeavours to assist the principal officer (or, in this case, their delegate) to conduct an investigation under Part 3 of the PID Act. On this basis, I seek your assistance in obtaining documents relating to a number of recruitment processes in the Federal Court of Australia.

I would be grateful if you could provide me with:

1. Information relevant to the recruitment process or processes which led to the engagement of Susan O'Connor, Claire Gitsham, Matthew Benter, Phillip Allaway, Rupert Burns and Tuan Van Le as National Judicial Registrars in the Federal Court of Australia.
2. Information relevant to the recruitment process or processes which led to the engagement of Tim Luxton, Murray Belcher and Russell Trott as National Judicial Registrar and District Registrars in the Federal Court of Australia
3. Information relevant to the recruitment process or processes which led to the engagement of Rohan Muscat and Caitlin Wu to National Registrar positions in the Federal Court of Australia.

The information about each process should include, at a minimum:

- gazettal notifications of the advertised vacancy and redeployment register check for the vacancies to which each of the abovenamed persons was appointed;
- position descriptions for the positions to which each of the abovenamed persons was appointed (or a single position description with your confirmation that this was the position description for all relevant positions, should that be the case);
- all applications received in each process (i.e. CV, written application, supporting documents provided by all candidates, including unsuccessful candidates, for each position);
- details of panel members and role (including confirmation as to who was the APS Commissioner's representative for each process);
- panel deliberations and reports for each process, including comparative assessment of suitable candidates, individual assessments of interviewed/shortlisted candidates, and shortlisting information for unsuccessful candidates;
- letters of offer and letters of appointment for the abovenamed persons;
- confirmation of starting salary and work level (e.g. APS6, Executive Level 2, SES Band 1) of each of the abovenamed persons upon commencement in the position; and
- any other documents considered as part of the recruitment of the abovenamed persons.

Many thanks for your assistance in providing me this information, which will assist me in determining next steps. At this point, I am in a "fact-finding" stage and may need to come back to you seeking further information once these documents have been received and considered. To allow me to deliberate on the disclosures and examine the information from you, I would be grateful for receipt of the requested materials by **cob 18 September 2020.**

It is important to note that under the PID Act it is an offence to take reprisal action against any person on the basis that they or any other person made, or may have made, a disclosure under the PID Act, or to reveal the identity of a discloser. Given this and the sensitive nature of PID investigations, I would therefore appreciate your discretion in actioning this request, and ask that this correspondence, and all information relating to this PID investigation, is treated on a confidential and need-to-know basis only.

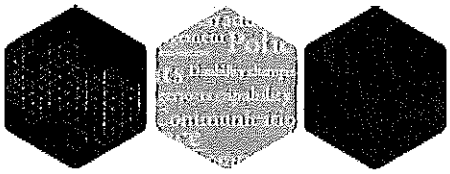
If you would like clarity about any of the information I have requested, please contact me on 02 6202 3505 or at pid@apsc.gov.au.

Regards
Kate

Kate McMullan
Director, Integrity

Australian Public Service Commission
Level 4, B Block, Treasury Building, Parkes Place West, PARKES ACT 2600
GPO Box 3176 CANBERRA ACT 2601

t: w: **www.apsc.gov.au**



I acknowledge the traditional owners of the Nations throughout Australia, and their continuing connection to land, sea and community. I pay my respects to the many cultures of all elders past, present and into the future.